

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

<b>MATTHEW LINUS LYLE</b>	)	
<b>LANDSBERGER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. CIV-24-1017-R</b>
	)	
<b>CYIENT LIMITED,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

Before the Court is Defendant’s Motion to Dismiss or Strike Under Rule 8 [Doc. No. 3]. Plaintiff, who is proceeding pro se, did not respond to the motion within the time limits prescribed by the Court’s Local Rules and the motion could therefore be deemed confessed. *See* LCvR7.1(g) (“Any motion that is not opposed within 21 days may, in the discretion of the court, be deemed confessed.”). However, given the Tenth Circuit’s conclusion that a district court may not grant a motion to dismiss for failure to state a claim merely because it is uncontested, *Issa v. Comp USA*, 354 F.3d 1174, 1177 (10th Cir. 2003), the Court has considered the merits of Defendant’s motion and finds its arguments well-taken.<sup>1</sup>

Federal Rule of Civil Procedure 8(a)(2) requires a pleading to contain “a short and plain statement of the claim showing that the pleader is entitled to relief.” Further, Rule

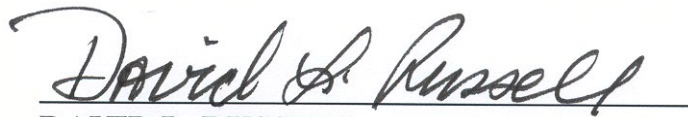
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<sup>1</sup> In addition to seeking dismissal for failure to comply with Rule 8, Defendant’s motion also asserts that the caption of Petition appears to name the wrong entity. If Plaintiff files an amended pleading, he should review Defendant’s explanation and amend the caption if necessary.

8(d) requires each allegation to be “simple, concise, and direct” and Rule 10(b) requires claims to be stated in separate, numbered paragraphs with “each limited as far as practicable to a single set of circumstances.” Plaintiff’s Petition does not satisfy these requirements. The Petition is needlessly long-winded, contains irrelevant material, and makes legal arguments that are inappropriate at this stage. Although Plaintiff is entitled to some leeway given his pro se status, his pleading must still comply with relevant procedural rules and legal standards. *See Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). The Petition fails to provide a short and plain statement of the claim as required by Rule 8 and that alone is “sufficient reason to dismiss the complaint.” *Mann v. Boatright*, 477 F.3d 1140, 1148 (10th Cir. 2007).

Accordingly, Defendant’s Motion to Dismiss or Strike Under Rule 8 [Doc. No. 3] is GRANTED and the Petition is dismissed without prejudice. In light of Plaintiff’s pro se status, the Court will withhold entry of judgment and permit Plaintiff to file an Amended Complaint that complies with Federal Rules of Civil Procedure 8 and 10. The Amended Complaint shall be filed no later than November 26, 2024. If an Amended Complaint is not timely filed, this action will be dismissed without prejudice without further notice.

IT IS SO ORDERED this 5<sup>th</sup> day of November, 2024.

  
DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE